



## THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:  
Madhavan Pisharodi

Serial No.: 09/290,831

Filed: April 13, 1999

Titled: ROTATING, LOCKING  
INTERVERTEBRAL DISK  
STABILIZER AND  
APPLICATOR

Atty Docket No.: PISA,007/C/CON

Group Art Unit: 3738

Examiner: P. Prebilic

COMMISSIONER OF PATENTS  
AND TRADEMARKS  
WASHINGTON, D.C. 20231

04/24/2001 SBRYCE 00000001 500965 09290831  
01 FC:248 55.00 CH

**CERTIFICATE OF MAILING (37 CFR 1.8a)**

I hereby certify that this paper (along with any paper referred to as being attached or enclosed) is being deposited with the United States Postal Service on the date indicated below with sufficient postage as first class mail in an envelope addressed to the Commissioner of Patent and Trademarks, Washington, D.C. 20231.

TO, 2001  
Date

Mark R. Wisner, Registration No. 30,603

RECEIVED  
PR 20 2001  
100 MAIL ROOM

**TERMINAL DISCLAIMER TO OBVIATE  
DOUBLE PATENTING REJECTION**

Dear Sir:

Your Petitioner is

the inventor and owner of the entire interest of the present application,

\_\_\_\_\_, assignee of the present application by assignment recorded in the U.S. Patent and Trademark Office on \_\_\_\_\_, 19\_\_\_\_ at Reel \_\_\_\_\_, Frame \_\_\_\_\_,

Perumala Corporation, assignee and owner of the entire interest of the present application by assignment transmitted for recordation in the U.S. Patent and Trademark Office on October 25, 2000 and a copy of which was previously filed in the captioned application,

and hereby (1) disclaims the terminal part of any patent granted on the above-identified application or on any application which is entitled to the benefit of the filing date of this application under 35 U.S.C. 120 which would extend beyond the expiration date of U.S. Patent Nos. 5,658,336 and 5,893,890 and (2) agrees that any patent so granted on the above-identified application shall be enforceable only for and during such period that the legal title to said patent shall be the same as the legal title to U.S. Patent Nos. 5,658,336 and 5,893,890. This agreement is to run with any patent granted on the above-identified application and to be binding upon the grantee, its successors or assigns.

Petitioner does not disclaim any terminal part of any patent granted on the above-identified application prior to the expiration date of the full statutory term of U.S. Patent Nos. 5,658,336 and 5,893,890 in the event either of those patents later expires for failure to pay a maintenance fee, is held unenforceable, is found invalid, is statutorily disclaimed in whole or terminally disclaimed under 37 C.F.R. 1.321(a), has all claims cancelled by a reexamination certificate, or is otherwise terminated prior to expiration of its statutory term, except for the separation of legal title stated above.

Signed this 31 day of MARCH, 2001.

PERUMALA CORPORATION

By: \_\_\_\_\_  
Amayur P. Chandran  
President